

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RANDY L. HOGE, JR.,

No. 2:23-cv-00128-JR

Plaintiff,

OPINION AND ORDER

v.

SUSAN WASHBURN, DAVID PEDRO,  
LIZA EMORY, SALLIE ROBERTS,  
SYDNEY HARTMAN, DR. WARREN  
ROBERTS, SANDRA WHITBREAD, APRIL  
STILLS, MICHELE DAVIES, JODIE  
RIZZOLO-BURKS, RACHELLE DOWNS,  
NINA SOBOTTA, and JOHN or JANE  
DOE(S),

Defendants.

**BAGGIO, District Judge:**

On October 28, 2024, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”, ECF 86), recommending that this Court grant Defendants’ Motion for Summary Judgment (ECF 69) and deny Plaintiff’s Motion for Partial Summary Judgment (ECF 57). Plaintiff objected (ECF 88 & ECF 91) and Defendants responded (ECF 92). This Court ADOPTS Judge Russo’s F&R.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B), (C). If a party objects, the court “shall make a de

novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

### CONCLUSION

Upon review, the Court agrees with Judge Russo’s recommendation and adopts the F&R (ECF 86) in full. Therefore, Defendants’ Motion for Summary Judgment (ECF 69) is GRANTED and Plaintiff’s Motion for Partial Summary Judgment (ECF 57) is DENIED. Additionally, per Judge Russo’s rulings on non-dispositive motions, Plaintiff’s Motion for Leave to File a Third Amended Complaint (ECF 51) is DENIED, Plaintiff’s Motion for Pro Bono Counsel (ECF 85) is DENIED, and Plaintiff’s Motion for Clarification (ECF 82) is GRANTED. *See* F&R (ECF 86), at 14. Accordingly, Plaintiff’s claims against Defendants are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of January, 2025.

*Amy M. Baggio*

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AMY M. BAGGIO  
United States District Judge